

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILHELM OLDEMEYER,
WERNER SANDERS and
GERT TEUBER

Appeal No. 1996-2979
Application 08/175,376

ON BRIEF

Before JOHN D. SMITH, PAK and KRATZ, Administrative Patent Judges.

PAK, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal from the examiner's final rejection of claims 7 through 11 which are all of the claims remaining in the application.

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Claim 7 is representative of the subject matter on appeal
and reads as follows:

7. A process for the production of fiberboards from
coarse wood particles and isocyanate as binder
comprising:

- i) introducing the coarse wood particles and water
vapor under pressure into a pressurized digester
where the particles are softened,
- ii) introducing the softened particles into a
pressurized refiner where the particles are
reduced to fine fibers,
- iii) introducing the fibers into a blowing pipe,
- iv) spraying the isocyanate onto said fibers after
they exit from said blowing pipe and before they
are dried, and
- v) passing the so-sprayed fibers to a drier.

According to page 3 of the specification, it is critical
to spray the isocyanate onto the fibers after they leave the
blowing pipe, but before they are dried in a dryer, to avoid
lump formation in the fiber material, precuring of the
isocyanate and size specks formation on the finished
fiberboard.

The prior art references relied upon by the examiner are:

Betzner et al. (Betzner)	4,407,771	Oct.
4, 1983		

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Harmon et al. (Harmon) 5,093,058 Mar. 3,
1992

Claims 7 through 11 stand rejected under 35 U.S.C. § 103
as unpatentable over Harmon in view of Betzner.

We reverse.

As evidence of obviousness of the claimed subject matter
under 35 U.S.C. § 103, the examiner relies on the combined
disclosures of Harmon and Betzner. See Answer, page 3-6,
together with the final Office action dated September 5, 1995,
pages 2-3. According to the examiner, Harmon discloses
essentially the claimed process, except for a pressurized
refiner. See Answer, page 3, together with the final Office
action dated September 5, 1995, pages 2-3. The examiner then
relies on Betzner to establish obviousness of using a
pressurized refiner in the process of Harmon. See Answer,
page 3, together with the final Office action dated September
5, 1995, page 3.

Appellants do not challenge the examiner's holding of
obviousness regarding the employment of a pressurized refiner
in the refining step described in Harmon. See Brief in its
entirety. However, appellants argue that the applied prior

art as a whole would not have suggested spraying an isocyanate binder onto the fibers after they leave the blowing pipe, but before they enter a dryer, to avoid both lump formation in the fiber material and precuring of the isocyanate. See Brief, page

4. The dispositive question is, therefore, whether it would have been obvious to spray the isocyanate binder onto the fibers after they leave the blowing pipe, but before they enter a dryer (before they are dried). We answer this question in the negative.

As one of its preferred embodiment, Harmon describes adding an isocyanate binder to fibers at blow line 16 (corresponding to the claimed blowing pipe). See column 3, lines 62-67, in conjunction with Figure 1. Although Harmon does teach adding the isocyanate binder to fibers at other locations in its process, it limits the other locations to those locations before the claimed blowing pipe or after the claimed dryer. See column 4, lines 30-38. Specifically, Harmon states (column 4, lines 30-38):

In general, the binder can be added to
the fibers in any suitable location in
the board forming apparatus

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upstream of forming mat 41. Alternative locations where the binder can be added to the fibers are designated by dashed arrows (17a-d in FIG. 1. For example, the binder may be added using the nozzle assembly of the present invention in any of the following locations: refiner 14; blender 30; bypass chute 32 or forming head apparatuses 40.

Nowhere does Harmon teach or suggest adding the isocyanate binders to fibers at the claimed location to obtain the advantages indicated above. Note also that Betzner teaches away from using the isocyanate binder at the claimed location by suggesting the advantage of adding the isocyanate binder to fibers at the blow line. See column 4, lines 1-14. Thus, we conclude that the applied prior art as a whole would not have suggested adding the isocyanate binder to fibers after the claimed blow line, but before the claimed dryer (before dried). Accordingly, we reverse the examiner's decision rejecting all of the appealed claims under 35 U.S.C. § 103.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

REVERSED

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JOHN D. SMITH)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
CHUNG K. PAK)	
Administrative Patent Judge)	APPEALS AND
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CKP:hh

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